



Northwest Indian Fisheries Commission

6730 Martin Way E., Olympia, Washington 98516-5540
Phone (360) 438-1180

www.nwifc.org

FAX # 753-8659

RECEIVED ON:

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Maia Bellon, Director
Washington Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

EPA Region 10
Office of the Regional Administrator

RE: Follow-up from December Leadership Meeting on Water Quality Standards

Dear Director Bellon:

On behalf of the member tribes of the Northwest Indian Fisheries Commission, I would like to thank you and your staff for meeting with tribal leaders on December 12, 2013 to discuss the status of water quality standards in Washington State. The tribes recognize that this has been a very difficult issue for the state. However, the tribes remain steadfast in their request for revised standards that will protect the health of tribal people from exposure to toxic substances in Washington.

The purpose of this letter is to request an updated timeline for the completion of rule-making on the human health criteria (HHC), and to convey some initial comments on the preliminary options for the HHC. At the December meeting, tribes again asked for the timely completion of revised human health criteria in Washington State's standards that will utilize a new fish consumption rate, without lowering the protective level of other existing variables such as the cancer risk rate. As in previous meetings, tribes also asked for standards that are at least as protective as those approved in Oregon with a fish consumption rate of at least 175 grams per day and maintaining a cancer risk rate of 10^{-6} . Many tribes also stated that the Oregon standards represent a substantial compromise, since tribal studies indicate higher levels of modern and historical consumption. The rule options put forth by the Department of Ecology in November, 2013 include several options that fail to achieve the protective levels of even the Oregon standards in the HHC. The NWIFC staff has prepared a consolidated set of preliminary comments on the options, based on input from NWIFC member tribes, and have attached these for your review and consideration as you move toward preparation of rule language. The tribes also plan to continue discussions with the Department of Ecology and others on proposed implementation options.

During the last two meetings of the Leadership Oversight Group with EPA and tribal leaders, you indicated verbally that a draft rule for the revised water quality standards will be completed this winter, and a final rule will be adopted in 2014. Given that the tribes have

experienced numerous delays during the course of this work, they have asked for greater clarity as to the precise timelines for rule development and promulgation, with dates instead of seasonal time frames. The tribes also requested in December that the Department of Ecology reaffirm previous commitments, by indicating a specific timeline that incorporates no further delay.

The tribes look forward to establishing revised human health criteria, so that we may better focus on the important work of toxic reduction in Washington through all available pathways. Once again, the NWIFC thanks you for meeting with tribal leaders in December, and we look forward to continuing to work with you.

Sincerely,


Michael Grayum
Executive Director

Enclosure: Response to Preliminary Options on the Human Health Criteria by NWIFC staff

Cc: Tribal Chairs and NWIFC Commissioners

Dennis McLerran, Regional Administrator; EPA Region 10

Dan Opalski, Director - Office of Water & Watersheds; EPA Region 10

✓ Jim Woods, Senior Tribal Policy Advisor; EPA Region 10

JT Austin, Governor's Policy Advisor for Natural Resources

Phil Rigdon, Deputy Director; Department of Natural Resources; Yakama Nation

Columbia River Intertribal Fisheries Commission